

IN THE UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

GILBERTO PEREZ

DEFENDANT.

Criminal Action

No. 98-362-02

July__1__, 2010

MEMORANDUM/ORDER

Defendant Gilberto Perez has filed a letter dated April 3, 2008 (attached) (Doc. No. 1044) requesting that counsel be appointed to aid him in filing a motion for reduction of sentence based on Amendment 706 of the United States Sentencing Guidelines, which lowered the base offense levels applicable to cocaine base offenses. Following receipt of that letter, chambers' staff referred the matter to Felicia Sarner, Esq. at the Federal Community Defender Office for the Eastern District. In a letter to me dated June 23, 2010 (attached), Ms. Sarner states that she has explored the matter and, after consultation with Assistant United States Attorney Bernadette McKeon, has concluded that Amendment 706 does not apply to Mr. Perez' sentence. Based on that assessment, I have

decided that appointment of counsel should not be granted. It is, accordingly, ORDERED that Mr. Perez' request for appointment of counsel is DENIED.

BY THE COURT:

/s/ LHP

Pollak, J.